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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,309	01/16/2002	Sergey N. Razumov	59036-028	5567

7590 02/17/2005

McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,309

Applicant(s)

RAZUMOV, SERGEY N.

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-36 is/are pending in the application.
- 4a) Of the above claim(s) 2, 18 and 37-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Response to Election/Restriction

The examiner is receipt of applicant's response to second restriction requirement mailed 1/3/2005, which was received 1/5/2005. Acknowledgement is made to the election of Group IM, with traverse. The examiner has carefully considered the applicant's traverse and finds it convincing, therefore claims 1,2-17,19-36 are pending in the instant application and will be examined.

Priority

Applicant's claim for domestic priority under 35 U.S.C. 120 is acknowledged. However, the previous filed application (09/745,420) upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 1,2-17,19-36 of this application. Specifically, the previous application lack the tracking features claimed in the instant invention, therefore priority is not granted and the instant application will be given a priority date of January 16, 2002 which was the filing date of the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2-17,19-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghazarian (US PGPub 2002/0089434) in view of Official Notice.

In regards to claims 1,2-17,19-36, Ghazarian teaches all of the claimed features such as electronic tracking of packages to maintain security through personnel, vehicle and package identification, except as follows:

In regards to claim 1, Ghazarian teaches delivery of products, but does not specifically mention that there is an order processing system for receiving customer orders. It was old and well known at the time of the invention to place electronic orders for product then have them shipped. It would have been obvious to a person having ordinary skill in the art to include receiving orders, because this includes a majority of the business that delivery people have (fulfilling orders) and would therefore increase revenues by including receiving orders that will eventually be delivered.

In regards to claim 3, Ghazarian teaches tracking products and packages, but does not specifically mention that the product in the containers being shipped is a food product. Since the limitation of food product does not impart any functionality this limitation is considered to be non-functional descriptive material (see MPEP 2106(b)) and is therefore not considered to provide any patentable distinction. The examiner contends that the system would work equally well with the shipment of any product.

In regards to claims 19,22-24,and 31-36, Ghazarian teaches tracking products in a storage and receiving/shipping area, but does not specifically mention all the individual storage and pick up features of the instant claims. The storage and pickup

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features of the subject claims were old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include any number of security and customer pickup convenience methods because this would provide an additional means for tracking the product while at the facility and assure that unauthorized individuals were not picking up the secure product, thus improving the efficiency of the system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450
or faxed to:

(703) 872-9306 [Official communications; including

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After Final communications labeled

"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Patent Examiner